

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jun 16, 2016

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

SEAN F. McAVOY, CLERK

JOE STREETMAN,

No. 4:16-CV-5008-SMJ

Plaintiff,

**ORDER GRANTING
STIPULATED MOTION FOR
DISMISSAL OF CERTAIN
CLAIMS**

v.

SYLVIA M. BURWELL, in her official
and personal capacities; UNITED
STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES;
MICHAEL BERRYHILL, in his
official and personal capacities and
MICHAEL H. WOLF, in his official
and personal capacities,
Defendants.

Before the Court, without oral argument, is the Stipulated Motion for Dismissal of Certain Claims Without Prejudice, ECF No. 15. The parties move for dismissal of Defendant Sylvia Burwell, Michael Berryhill, and Michael H. Wolf in their personal capacities from this case without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2). In addition, the parties stipulate that Plaintiff's first cause of action, entitled "Bivens Action is dismissed without prejudice. Plaintiff's second cause of action for injunctive and declaratory relief,

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as well as Defendant's counterclaim shall remain. Having reviewed the files and records herein, the Court finds good cause to grant the motion.

IT IS HEREBY ORDERED:

1. The parties Stipulated Motion for Dismissal of Certain Claims Without Prejudice, **ECF No. 15**, is **GRANTED**.

2. All claims against Defendant Sylvia Burwell, Michael Berryhill and Michael H. Wolf in their personal capacities are **DISMISSED WITHOUT PREJUDICE**, with all parties to bear their own costs and attorneys' fees.

3. The Clerk's Office is directed to **AMEND** the caption as follows:

JOE STREETMAN,

Plaintiff,

v.

SYLVIA BURWELL, in her official capacities; UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES; MICHAEL BERRYHILL, in his official capacities and MICHAEL H. WOLF, in his official capacities,

Defendants.


4. Plaintiff's first cause of action, entitled "Bivens Action" is **DISMISSED WITHOUT PREJUDICE**.

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1 **5.** Plaintiff's second cause of action for injunctive and declaratory
2 relief, as well as Defendant's counterclaim shall remain.

3 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order
4 and provide copies to all counsel.

5 **DATED** this 16th day of June 2016.

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8 SALVADOR MENDOZA, JR.
9 United States District Judge
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